

Memorandum

To : All Standards Board Members

Date : March 11, 2002

From : Occupational Safety and Health Standards Board
George Hauptman, Senior Engineer - Standards

Subject : Safety Standards for Steel Erection

At the January 17, 2002 Public Hearing, the Occupational Safety and Health Standards Board considered revisions to California Code of Regulations, Title 8, Chapter 4, Subchapter 4, Articles 19, 20, 24, and 29, Sections 1632, 1635, 1671, 1709, 1710, and new Section 1716.2 of the Construction Safety Orders. These standards are substantially the same as the federal counterpart requirements.

Labor Code Section 142.3(a)(3) exempts the Board from providing a comment period when adopting a standard substantially the same as the federal standard. However, as indicated in the Notice and Informative Digest, the Board still provided a comment period for the purpose of identifying only issues related to the following three areas: 1) any clear and compelling reasons for California to deviate from the federal standards; 2) any issues unique to California related to this proposal which should be addressed in this rulemaking and/or subsequent rulemaking; and, 3) solicit comments on the proposed effective date.

As a result of public comments, there were no changes made to the original proposal.

SUMMARY OF ORAL AND WRITTEN COMMENTS

I. Written Comments

Mr. Rick Seifert, Safety Director, Rudolph and Sletten, Inc. and Member of the California Construction Employer's Association (CEA) by letter dated January 10, 2002 with attached
strikeout and underline text of the proposed regulations recommending revisions expressed by
CEA. (Note that each suggested revision to the proposal indicated by strikeout or underline will be addressed as a separate comment by CEA).

Comment No. 1

On page 7 of the proposal, a new definition for "Decking opening" is recommended to state: "Decking opening is any opening such as shafts, raceways, chases, stair opening, etc. which has a dimension greater in any direction of 12 inches or more."

Response

The California Code of Regulations (CCR), Title 8, Construction Safety Orders (CSO) Section 1504 provides a definition for “opening.”

Further, this rulemaking action is promulgated under the provisions of the California Labor Code (LC) Section 142.3(a)(3), which requires that language adopted must be “substantially the same” as the federal language. Therefore, adoption of new language, a new definition or requirements that alter or deviate from the federal language is outside the scope of this rulemaking.

Additionally, comments received by the Board for response are limited to the three areas mentioned above and must demonstrate the issue is unique to California or demonstrate clear and compelling reasons for California to deviate from the federal standard. While this comment is outside the scope of this rulemaking promulgated under the provisions of LC Section 142.3(a)(3), the comment will be provided for review and discussion at a future advisory committee convened for subsequent rulemaking to this proposal. Therefore, the Board does not believe modification to the proposal is necessary as a result of this comment.

Comment No. 2

Page 8 of the proposal includes a definition for “Project structural engineer of record.” The definition states the engineer must be a California licensed engineer. CEA recommends deleting the reference to a “California” engineer noting that the assignment of the structural engineer of record is typically beyond the scope of the contractor and the engineer often is registered in another state.

Response

An engineer must be licensed in California to design structural buildings. Therefore, the reference to “California” engineer is necessary. The regulation in no way prohibits the engineer from also being licensed in another state. Therefore, the Board does not believe modification to the proposal is necessary as a result of this comment.

Comment No. 3

On page 8 of the proposal a new definition for “Qualified Person” is recommended noting that a definition for qualified person is not identified in the standard.

Response

A definition for “qualified person” is already provided for in CSO Section 1504. Also, with respect to adding a new definition in this rulemaking proposal, see the response to Comment No. 1.

Comment No. 4

Page 9 of the proposal, Section 1710(c)(3)(A) and (B) addresses requirements for adequate and safe site access roads as well as storage area for materials and safe operation of equipment. CEA recommends substantial amendments and new language to these sections.

Response

Proposed Section 1710(c)(3)(A) and (B) are verbatim to the federal counterpart standards in Subpart R. The recommended revisions and discussion by CEA are not within the scope of the three areas for which the Board is accepting comments on this proposal (e.g., the issues presented are not unique to California). Also see the response to Comment No. 1 with respect to consideration of this comment in the advisory committee process associated with subsequent rulemaking.

Comment No. 5

Page 10 of the proposal, Section 1710(f)(1)(A) states all columns shall be anchored by at least 4 anchor rods (anchor bolts). A revision is recommended to add the following language to the end of Section 1710(f)(1)(A): “or equivalent, so as to prevent overturn during initial erection – installation.” The comment rationale notes that some minor interior columns may have only 2 anchor bolts by design.

Response

Proposed Section 1710(f)(1)(A) is verbatim to the federal counterpart standard. The federal preamble page’s 5222 – 5224 thoroughly discusses the federal rationale for the requirement. The recommended revisions and discussion by CEA are not within the scope of the three areas for which the Board is accepting comments on this proposal (e.g., the issues presented are not unique to California). Also see the response to Comment No. 1 with respect to consideration of this comment in the advisory committee process associated with subsequent rulemaking.

Comment No. 6

Page 10 of the proposal, Section 1710(f)(2)(A) states anchor rods (anchor bolts) shall not be repaired, replaced, or field modified without the approval of the structural engineer of record. CEA recommends additional new language (e.g., repair can be made provided there is equivalent anchor rod strength), which changes the provisions in the federal standard.

Response

See the response to Comment No. 5.

Comment No. 7

Page 11 of the proposal, Section 1710(g)(6)(A) and (B) “Perimeter Columns” addresses requirements for the installation of perimeter safety cables. New language is recommended by CEA to expand the scope and requirements of these subsections.

Response

Section 1710(g)(6)(A) and (B) are verbatim to the counterpart federal standards in Subpart R. See the response to Comment No. 1.

Comment No. 8

On page 16 of the proposal, Section 1710(h)(5)(B) states, “Except for subsection (h)(5)(E) of this section, no construction loads are allowed on the steel joists until all bridging is installed and anchored and all joist-bearing ends are attached.” CEA recommends adding the phrase, “in the areas affected” after the last word in the subsection “attached.” The comment discussion notes that the regulation without the revision requires the entire structure to be complete before any loads can be placed.

Response

The regulation says, “Except for subsection (h)(5)(E)” and in subsection (h)(5)(E)1. language is provided to address the placing of decking bundles on a “portion of the structure” capable of supporting the load. Also, see the response to Comment No. 1.

Comment No. 9

On page 16 of the proposal, Section 1710(h)(5)(E) provides conditions necessary for the placement of decking bundles on steel joists. CEA recommends revisions that change and add new requirements to proposed Section 1710(h)(5)(E)1.

Response

See the response to Comment No. 1.

Comment No. 10

On page 17 of the proposal, Section 1710(j)(2) contains requirements addressing overhead protection from falling objects being hoisted. CEA recommends an amendment proposing the regulation should pertain only to “active areas” of erection. The comment discussion questions if this regulation forbids any work until the entire structural steel is complete for a buildboarded¹ structure.

¹ Buildboarded structure means the structure could be built in sections rather than the more common construction practice of building a structure one story at a time upward. For example, a buildboarded structure could be

Response

The issue or concern expressed in this comment would deviate from the federal regulation, which is not permitted in this rulemaking. See the response to Comment No. 1. As noted in Comment No. 1, this comment will be considered for advisory committee discussion relative to subsequent rulemaking.

Comment No. 11

On page 17 of the proposal, Section 1710(I) provides planking and decking requirements. CEA recommends additional language to state, “Not more than 1000 square feet or one bay will be unsecured or wind tacked during the spreading of deck. All decking will be secured prior to the end of the shift.”

Response

The last sentence of the Section 1710(I)(1) requires that both planking and decking shall be secured. Also, see the response to Comment No. 1.

Comment No. 12

On page 17 of the proposal, Section 1710(I)(3) provides requirements for the protection of exposed edges of floors with wire rope (safety cables) or other equivalent guardrail methods. CEA proposes modifications with the intent to clarify when midrail protection shall be installed. CEA notes in the rationale for the recommended revisions that the decking can take weeks to be completed. Therefore, CEA recommends that language be added to require midrail installation “as soon as possible after the initial” installation of decking instead of the existing language that requires midrail installation “at the completion of decking.”

Response

The issue of when installation of midrail protection is required is not addressed in new Subpart R amendments. See the response to Comment No. 1. This comment is appropriate for consideration in subsequent rulemaking.

Comment No. 13

On page 17 of the proposal, Section 1710(l)(5) addresses when metal deck openings can be cut and requires that openings be covered. CEA recommends revisions to require covers are signed and secured or equipped with guardrail systems. The comment rationale indicates elevator and stairway shafts are a particular concern with respect to the need for covers or equivalent protection.

Response

Proposed section 1710(l)(3) requires perimeter wire rope (safety cables), guardrails or equivalent protection for elevator and stairway shafts. Also, see the response to Comment No. 1.

Comment No. 14

On page 18 of the proposal, Section 1710(m)(1) provides fall protection requirements for workers engaged in connecting beams. CEA recommends additional language in this subsection to state, "All personnel working on the structure where the protective rail systems and covers are not fully in place will be equipped with and required to wear personal fall protective equipment." CEA recommends deleting the language in Section 1710(m)(2) that addresses fall protection for personnel involved in work other than connecting beams and relocating the language.

Response

See the response to Comment No. 1.

Comment No. 15

On page 18 of the proposal, Section 1710(m)(3)(A) and (B) provide fall protection requirements for iron workers walking the top flange of a beam while moving from point to point or releasing slings. CEA recommends inserting language in both subsections related to beam widths being at least 18 inches so that there is sufficient width to place one's feet.

Response

See the response to Comment No. 1.

Comment No. 16

On page 19 of the proposal, Section 1710(n) provides requirements for the controlling contractor with respect to the custody of fall protection. CEA recommends significant strikeout and underline revisions to this subsection to delete proposed language and add new or revised requirements.

Response

It should be noted that while the majority of comments provided by CEA are outside the scope of this rulemaking promulgated under the provisions of LC Section 142.3(a)(3), the comments will be provided for review and discussion at a future advisory committee convened for subsequent rulemaking to this proposal by Board staff May 1 – May 2, 2002, in Sacramento, California. Staff will place Mr. Seifert's name and address on the advisory committee roster and provide him with an advisory committee packet and invitation letter.

See the response to Comment No. 1.

The Board thanks Mr. Seifert and CEA for their comments and participation in the Board's rulemaking process.

Mr. Richard Zampa, President, District Council of Ironworkers of the State of California and Vicinity, by letter dated January 14, 2002.

Comment

On behalf of the District Council of Ironworkers for the State of California and Vicinity, Mr. Zampa submitted a letter supporting the proposed amendments to Title 8, Article 24, Section 1710, Structural Steel Erection. Mr. Zampa noted his organization's participation in recent Cal/OSHA advisory committee meetings to support the language contained in the proposed changes.

Response

The Board thanks Mr. Zampa for his comments and support of the proposed amendments.

Mr. Michael Newington, Executive Director, Western Steel Council, by letter dated January 14, 2002.

Comment

Mr. Newington stated his letter was submitted on behalf of the Western Steel Council (WSC) in support of the Board adopting the U.S. Department of Labor, Occupational Safety and Health Administration, "Safety Standards for Steel Erection" that were published in the Federal Register on January 18, 2001.

Mr. Newington also affirmed WSC's support for the Board to adopt language in a subsequent rulemaking proposal pertaining to shinning (vertically climbing up or down) columns, controlled decking zones, and multiple lift rigging procedures.²

² With respect to the reference to "subsequent rulemaking", Mr. Newington is referring to Board staff's intent with the assistance of an advisory committee, to submit a subsequent rulemaking proposal for consideration by the Board at a future public hearing that will address those items/procedures noted in the comment.

Mr. Newington also stated that WSC supports the Board adopting the proposed changes to Title 8, Section 1710, Structural Steel Erection. Reasons for WSC support of the proposal were listed in its comment letter.

Response

The Board thanks Mr. Newington for his comments and support of the proposed amendments.

Mr. Bradley D. Closson, Executive Vice President, North American Crane Bureau (NACB) Technical Services, by letter dated January 15, 2002.

Comment No. 1

Section 1710(b) “Definitions” section of the proposal provides a definition for the term “hoisting equipment.” Mr. Closson notes this term is included in the title of GISO, Group 13 crane related regulations entitled, “Cranes and Other Hoisting Equipment.” The term is not used in the proposed regulations except for its inclusion in the title of GISO Group 13 regulations, which are cross-referenced in the proposal [e.g., see the “Note” to Section 1710(d)(4)]. Mr. Closson believes the definition could be confusing and recommends deleting it from the proposal.

Response

The definition is verbatim to the federal definition in Subpart R. Federal OSHA also does not use this term in the mandatory provisions of Subpart R. Yet the federal, Steel Erection Negotiated Rulemaking Advisory Committee (SENRAC) believes the term is necessary in its definitions to ensure that this term is not strictly limited to cranes and to ensure that a “come-a-long”³ is not considered hoisting equipment. Also, see the second paragraph in the response to Mr. Seifert’s Comment No. 1.

Comment No. 2

On page 9 of the proposal, Section 1710(c)(4) states the following:

“Pre-planning of overhead hoisting operations. All hoisting operations in steel erection shall be pre-planned to ensure that the requirements of General Industry Safety Orders, Section 5002 are met.”

Mr. Closson noted that the term pre-planning is not defined in Title 8. He believes if the term is not defined it will not be enforceable and will be confusing. Further, based on the title of the subsection, the hoisting operations that are not overhead, like shake out lifts and material pre-positioning, will not fall within the scope of this requirement.

Response

³ A “come-a-long” is a mechanical device, usually consisting of a chain or cable attached at each end, that is used to facilitate movement of materials through manual force or leverage.

Section 1710(c)(4) is verbatim to the federal counterpart standard in 29 CFR 1926.752(d). The January 18, 2001 Federal Register, page 5207 gives the rationale for the wording in this regulation and states the intent of the regulation is to address the hazards of overhead loads. Also, see the second paragraph in the response to Mr. Seifert's Comment No. 1.

Comment No. 3

The section as proposed [1710(c)(4)] only requires that an already mandated section's requirements be met. Section 5002 applies to all crane operations and Mr. Closson questions the purpose for referencing the requirements of Section 5002 within Section 1710(c)(4).

Further, Mr. Closson comments, "... the wording [of proposed Section 1710(c)(4)] only specifies compliance with Section 5002, is the reader to believe that the items listed in Section 1710(d) of the proposed orders will not be part of any pre-planning activities?"

Response

The regulations throughout Title 8 reference other General Industry Safety Orders within industry specific vertical standards to ensure the reader is aware of and follows GISO regulations applicable to the industry. The proposed regulation mirrors the format of the federal counterpart standard. Also, see the second paragraph in the response to Mr. Seifert's Comment No. 1.

With respect to the second paragraph of Comment No. 3, Board staff is not sure what the concern of the statement is, and therefore, is unable to address this portion of the comment.

Comment No. 4

With respect to proposed Section 1710(d) "Hoisting and Rigging," Mr. Closson notes that the California safety orders do not specifically define the term "hoisting." Therefore, its common usage (plain English) definition is applicable. The requirements of this new section will only apply to the "lifting or raising" motion of the load and not to any lowering, swinging or traveling with a load. Mr. Closson expressed that the regulations in Section 1710(d) will be unenforceable and limited to events occurring only as the load is being hoisted.

Response

The term “hoisting” is used throughout Subpart R federal language including 29 CFR 1926.753 entitled “Hoisting and Rigging.” The proposal adopts language substantially the same as the federal standard. See the second paragraph in the response to Mr. Seifert’s Comment No. 1.

Comment No. 5

Proposed Section 1710(d)(1) states the following”

“(d) Hoisting and Rigging.

(1) The crane or derrick operator shall be responsible for those operations under the operator's direct control. Whenever there is any doubt as to safety, the operator shall have the authority to stop and refuse to handle loads until safety has been assured.”

Mr. Closson’s comment [under the heading “(d)(1)” on p. 2 of his letter] in relevant part states that this language shifts the responsibility for compliance from the employer to an employee, namely, the crane operator. Mr. Closson’s comment questions the rationale and need for the entire requirement and the additional burden the requirement places on the crane operator.

Response

Proposed Section 1710(d)(1) is verbatim to the Subpart R, federal standard language in 29 CFR 1926.753(c)(1)(iv). The rationale in the January 18, 2001 Federal Register, p. 5208 states that federal OSHA agreed with the International Union of Operating Engineers that the regulation was necessary so that the crane operator has the authority to shut down unsafe operations of the crane. Also, see the second paragraph in the response to Mr. Seifert’s Comment No. 1.

Comment No. 6

With respect to proposed Section 1710(d)(2) and (3), Mr. Closson states that the “load” is what the crane lifts regardless of its composition. Safe load requirements are already specified in GISO Section 4999(b)(1) which states: “Attaching the Load. The load shall be attached to the hook by means of slings or other suitable and effective means which shall be properly rigged to insure the safe handling of the load.” GISO Section 4999(c)(2) requires the following: “The load is well secured and properly balanced in the sling or lifting device before it is lifted more than a few inches.” Mr. Closson believes the proposed wording adds nothing and should be deleted.

Response

The proposed regulations address issues unique and specific to steel erection that federal OSHA has deemed necessary for the steel erection standard in Subpart R. Federal OSHA notes in its rationale for the regulation that hoisting a bundle by straps that are not designed for lifting is extremely dangerous. The proposed regulations are verbatim to the federal counterpart language. Also, see the second paragraph in the response to Mr. Seifert’s Comment No. 1.

Comment No. 7

GISO Section 5004 addresses the requirements for the hoisting of personnel platforms on load lines of cranes or derricks. Section 5004(c) in relevant part states that the use of a crane or derrick to hoist employees on a personnel platform is prohibited unless it can be shown the use of conventional means of reaching the worksite would be more hazardous or not possible because of the structural design or worksite conditions.

Mr. Closson's Comment No. 7 is made with respect to proposed Section 1710(d)(4) which addresses hoisting of employees on a personnel platform. Mr. Closson states that personnel lifting requirements are defined in Section 5004 that currently applies to all crane operations in the state. There is no benefit or need to restate the requirement. The proposed exception to Section 5004(c) requirements reduces the safety of steel workers. Mr. Closson states that steel workers deserve the safest way to accomplish their job and notes that building steel structures has been done under the provisions of GISO Section 5004 since the regulation was implemented in 1991. Mr. Closson recommends removing the exception to Section 5004(c) that is provided within the language of Section 1710(d)(4).

Response

The rationale in the Federal Register dated January 18, 2001; page 5209 notes similar comments to that of Mr. Closson for the federal standard. However, the federal SENRAC committee still included the regulation in Subpart R noting that many steel erection activities, particularly those that are repetitive and of short duration, such as bolting-up, can be performed more safely, with greatly reduced exposure to fall hazards, when done from a personnel platform. Proposed Section 1710(d)(4) mirrors the counterpart federal standard. Also, see the second paragraph in the response to Mr. Seifert's Comment No. 1.

Comment No. 8

Mr. Closson summarized his recommendations noting that the proposed requirements commented on do not add any additional safety, may reduce safety and create confusion with existing lifting requirements.

Response

See the response to Comments No. 1 through 7. It should be noted that Mr. Closson's comment letter will be included in the materials for advisory committee review associated with a subsequent rulemaking. The Board thanks Mr. Closson for his comments and participation in the Board's rulemaking process.

Mr. Larry McCune, Principal Safety Engineer, Division of Occupational Safety and Health (Division) by memorandum dated January 16, 2002.

Comment No. 1

The Division commented that the definition of “Decking hole” on page 7 of the proposal means a gap or void more than 2 inches (5.1 cm) in its least dimension and less than 12 inches (30.5 cm) in its greatest dimension in a floor, roof or other walking/working surface. The Division states that the definition of “Decking hole” should not be adopted because the definition would be less effective than the definitions of floor openings and floor holes contained in the Construction Safety Orders (CSO) Section 1504. The existing definition of a “hole” covers the hazards of hole openings until the gap is large enough to be defined as a floor “opening.” The proposed definition permits any void longer than 12 inches to be undefined as a decking hole.

Response

The Board agrees that a void longer than 12 inches would not be included in the definition of “decking hole.” However, floor openings are required to be guarded or covered and a void longer than 12 inches would be considered an “opening” as defined in CSO Section 1504. The Section 1504 definition in part defines an opening as “An opening in any floor or platform, 12 inches or more in the least horizontal dimension.” In metal decking operations, a floor/deck opening would be horizontal on all sides.

The proposed definition for “decking hole” is verbatim to the federal definition in Subpart R. See the second paragraph in the response to Mr. Seifert’s Comment No. 1. The comment will be provided for review and discussion at a future advisory committee meeting convened for subsequent rulemaking to this proposal.

Comment No. 2

On page 12 of the proposal regarding open web joists, proposed Section 1710(h)(1)(C) and 1710(h)(1)(D) the phrase “at or near columns” should not be in the proposed text. This wording creates another undefined term: “at or near.” How close is near? The concern is that these sections require unbraced joists to be rigid enough for an employee to go out on them to release the hoisting sling. It becomes more hazardous the farther one gets from the security of a column or beam. It is recommended that the term “at or near columns” be deleted.

Response

Proposed Section 1710(h)(1)(C) and 1710(h)(1)(D) are verbatim to the federal counterpart regulations contained in 29 CFR 1926.757(a)(3) and (4). See the second paragraph in the response to Mr. Seifert’s Comment No. 1. The comment will be provided for review and discussion at a future advisory committee meeting convened for subsequent rulemaking to this proposal.

The Board thanks Mr. McCune and the Division for their comments and participation in the Board’s rulemaking process.

II. Oral Comments

Oral comments received at the January 17, 2002 Public Hearing, Los Angeles, California.

Mr. Tom Davies, representing the Herrick Corporation.

Comment No. 1

Mr. Davies stated support for the standards. Mr. Davies stated that the federal standards are written with more detail and specify minimum training requirements for fall protection, connectors, etc. Mr. Davies believes that the state standard needs to incorporate the federal words and specific minimum training requirements that are used in the federal standard. Also, for enforcement purposes, if training requirements are specified in the regulation, there is no question as to minimum requirements.

Response

29 CFR 1926.761 pertains to training requirements in the federal standard. The training provisions contained in Section 1926.761 are omitted from the State's current proposed standard for structural steel erection. Existing regulations in the CSO Section 1509, Injury and Illness Prevention Program (IIPP) require the employer to develop a written code of safe work practices that relate to the employer's operations. Employers must establish, implement and maintain an effective IIPP in accordance with GISO Section 3203. The IIPP requires the employer to identify hazards and provide training and instruction to ensure that employees follow safe work practices, and work procedures. Therefore, California's existing regulations in CSO Section 1509 and GISO Section 3203 provide equivalent training requirements to that of the federal standard.

However, it should be noted that advisory committee meetings that were held on October 31, 2001 and November 1, 2001 related to a subsequent rulemaking for steel erection standards including discussion of provisions not mandated by Subpart R such as, multiple lift rigging procedures [29 CFR 1926.753(e)] and establishing controlled decking zones [29 CFR 1926.760(c)]. The committee consensus was to consider including the federal training requirements but with modifications and additions to the federal language contained in 29 CFR 1926.761. This rulemaking action is promulgated under the provisions of LC Section 142.3(a)(3) which requires that language adopted must be substantially the same as the federal language. Therefore, inclusion of training requirements developed with the assistance of the steel erection advisory committee is an appropriate consideration for a subsequent rulemaking proposal.

Comment No. 2

Mr. Davies noted that language in the federal standard [29 CFR 1926.760(b)(3)] requires connectors to wear harnesses or other fall protection between 15-30 feet. Mr. Davies believes that Cal-OSHA is not going to adopt this language because it is not enforceable and does not require the connector to tie off. However, wearing a harness between 15-30 feet is enforceable and needs to be considered. Wearing of the harness is a good safety practice and Mr. Davies would like to see Cal-OSHA require it in the standard.

Response

The federal standard requires connectors at heights over 15 feet and up to 30 feet to be provided with a personal fall arrest system, positioning device system or fall restraint system and to wear the equipment necessary to be able to be tied off. However, the language does not require the fall protection equipment to be used. Therefore, use of the equipment as fall protection is unenforceable because its use is at the discretion of the employer. The state omits this language and believes that no modification to the proposal is necessary as a result of this comment. However, Mr. Davis is invited to attend the advisory committee meeting for subsequent rulemaking and is welcome to raise the idea of requiring that harnesses be worn even though their use is not mandatory.

The Board thanks Mr. Davies for his comments, support of the proposal and participation in the Board's rulemaking process.

Mr. Craig Cindell, representing Strocal Inc.

Comment

Mr. Cindell expressed support for the adoption of the regulations.

Response

The Board thanks Mr. Cindell for his comment, support of the proposed regulations, and participation in the Board's rulemaking process.

Mr. Jack Holt, representing the Ironworkers Local Union 433.

Comment

Mr. Holt stated support for the regulation, specifically Subpart R. Mr. Holt stated that there should be guidelines for training requirements incorporated into the state standard. All ironworkers, union or non-union, would benefit from the training requirements.

Response

See the response to Mr. Davies oral comment. The Board thanks Mr. Holt for his comments, support of the proposal and participation in the Board's rulemaking process.

Mr. Steve Rank, representing the Western Steel Council and National Erectors Association.

Comment

Mr. Rank clarified the time that was spent by SENRAC developing the federal regulations in Subpart R. SENRAC met 14 times over an 18-month period at different places throughout the United States. There were also 10 days of Public Hearings in 1999 in Washington, DC. The core issues of the regulation have been addressed.

Mr. Rank also stated support for California's proposed regulation, specifically for the adoption of the language of Section 1710. Also, Mr. Rank stated he was a member of the advisory committee used to develop the new regulations and supports the proposal for subsequent rulemaking regarding shinning of columns, controlled decking zones, and the use of the multiple lift rigging procedures. Mr. Rank stated that the proposed regulation represents the best interest of ironworkers and management and he hopes to see the standard approved and become effective in California.

Response

The Board thanks Mr. Rank for his comments, support of the proposal and participation in the Board's rulemaking process.

Mr. Gene Vick, Apprenticeship Director, District Council of Iron Workers.

Comment

Mr. Vick stated a comment letter was submitted from the District Council. In response to a Board member question, Mr. Davies noted that training programs have been developed for new requirements in Subpart R. Mr. Vick agreed with the comments made by Mr. Davies from the Herrick Corporation that the minimum training requirements for fall protection in the federal standard need to be incorporated into the state standard.

Response

See the response to oral Comment No. 1 by Mr. Davies. The Board thanks Mr. Vick for his comments and participation in the Board's rulemaking process.

Elizabeth Arioto, Board Member.

Comment

Board member Arioto stated that the comments with respect to the training requirements made by the speakers have merit. Ms. Arioto recommended that a definition for what is meant by “completion of decking” be added to the proposal. Ms. Arioto asked how the Board staff plans to proceed with the regulation.

Response

The term “completion of decking” or “completion of the installation of decking” as used in proposed Section 1710(I)(3) is appropriate for review and consideration for subsequent rulemaking. Further, the advisory committee will be reviewing the term “completion of decking” and any need for amendments to Section 1710(I)(3) in light of Mr. Seifert’s written comment No. 12. With respect to including the federal Subpart R training requirements in subsequent rulemaking, see the response to oral Comment No. 1 from Mr. Davies.

Dorothy Ormsby, representing the ICS Group Ironworkers.

Comment

Ms. Ormsby stated her support for the regulation.

Response

The Board thanks Ms. Ormsby for her comments, support of the proposal and participation in the Board’s rulemaking process.

Mr. Tom Goetz, representing Pacific Erectors.

Comment

Mr. Goetz stated he supports the regulation. Mr. Goetz participated in the Board’s advisory committee meetings and believes interested groups were well represented. Mr. Goetz believes that the training requirements will be included in subsequent rulemaking.

Response

The Board thanks Mr. Goetz for his comments, support of the proposal and participation in the Board’s rulemaking process. With regard to the need to include training requirements in subsequent rulemaking, see the response to oral Comment No. 1 from Mr. Davies.

James Murphy, representing Ironworker Building Trades.

Comment

Mr. Murphy acknowledged Board staff's work on the advisory committee and with respect to the regulation language, advised the Board to "keep it simple."

Response

The Board thanks Mr. Murphy for his comments and participation in the Board's rulemaking process.

Elizabeth Lee, Board Member.

Comment

Board member Lee suggested the commenters from the public hearing be invited to attend the future advisory committee for structural steel erection.

Response

Persons who made comments or their representatives are on the advisory committee roster and will be sent a complete advisory committee packet that includes a letter of invitation giving the date, time and location of the meeting, and information deemed useful to the committee.

DETERMINATION OF MANDATE

These regulations do not impose a mandate on local agencies or school districts as indicated in the Staff Development Memorandum.